

UNITED STATES OF AMERICA,)	
)	Case No. 4:11CR3089
Plaintiff,)	
)	
vs.)	TENTATIVE
)	FINDINGS
ADRIAN MARTINEZ,)	
)	
Defendant.)	

IT IS ORDERED that:

(2) Counsel for the defendant advises that he is precluded by the plea agreement from making a variance motion. However, he suggests that I might want to vary on my own due the defendant's family circumstances. I will hear more about that at sentencing. Otherwise, there are no objections or motions.

(3) Except to the extent (if at all) that I have sustained an objection or granted a motion or reserved an issue for later resolution in the preceding paragraph, the parties are herewith notified that my tentative findings are that the presentence report is correct in all

respects.

(4) If **any** party wishes to challenge these tentative findings, said party shall, as soon as possible, but in any event at least five (5) business days before sentencing, file in the court file and serve upon opposing counsel and the court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and how long such a hearing would take.

(5) Absent submission of the information required by the preceding paragraph of this order, my tentative findings may become final and the presentence report may be adopted and relied upon by me without more.

(6) Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

December 21, 2012.

BY THE COURT:

Richard G. Koff

United States District Judge